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**Attorney for Defendant**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**JOSEPH LUCIO JIMENEZ,**

**Defendant.**

**No. 3:19-cr-00429-SI-1**

**3:19-cr-00596-SI-2**

**JOINT MOTION TO AMEND  
PLEA AGREEMENT  
(to correct mutual mistake)**

Joseph Jimenez, Defendant in the above-entitled cases, and the government jointly move to amend the Plea Agreement in this case (in case #3:19-CR-00429-SI, docket entry # 28; in case #3:19-CR-00596-SI, docket entry #36) to correct a mutual mistake regarding the application of the advisory Guidelines in these cases.

In paragraph 7 of the Plea Agreement it is noted that “the parties agree that pursuant to USSG § 2D1.1(c)(14), defendant’s Base Offense Level is 14 (less than 10 grams of heroin).” In fact, pursuant to USSG § 2D1.1(c)(14), less than 10 grams of heroin is assigned Base Offense Level 12.

Accordingly, the parties seek an amendment striking “14” and replacing it with “12” in the first sentence of paragraph 7. In addition, the amendment should delete the phrase in the fifth sentence “and that the controlled substances guideline will control for purposes of calculating the overall advisory guidelines range,” because, after amendment, the two offenses have the same Offense Level, namely, Level 14, before any reduction for acceptance of responsibility or other variance.

This Motion is filed by counsel for Mr. Jimenez, Francesca Freccero, on behalf of the parties jointly, after conferring with AUSA Craig Gabriel on behalf of the United States.

Respectfully submitted on August 4, 2020.

/s/ Francesca Freccero  
Francesca Freccero  
Assistant Federal Public Defender